

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROBERT H. AYLOR, JR., On Behalf Of  
Himself and All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD  
G. NEWMAN, STEVEN A. NEWMAN,  
M.D., and THOMAS D. DAVIS,

Defendants.

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Civil Action No.: 05-222-SLR

**NOTICE OF BANKRUPTCY**

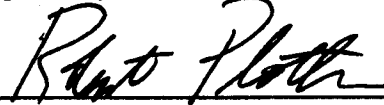
PLEASE TAKE NOTICE that Defendant Xybernaut Corporation has filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code (a copy of the petition is attached hereto as Exhibit A);

PLEASE TAKE FURTHER NOTICE that the petition was filed in the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, on July 25, 2005 and has been assigned docket number 05-12801;

PLEASE TAKE FURTHER NOTICE that as a result of this bankruptcy petition, proceedings in the above-captioned action are automatically stayed pursuant to 11 U.S.C. § 362.

Dated: July 28, 2005

Respectfully submitted,

By: \_\_\_\_\_

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ATTORNEY FOR XYBERNAUT  
CORPORATION

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>TH</sup> day of July 2005, a copy of the foregoing

Notice of Bankruptcy was sent via first class mail to:

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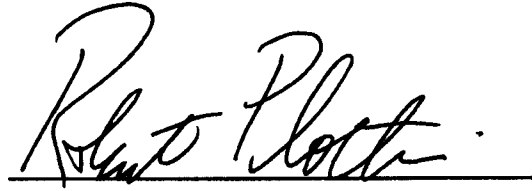
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A handwritten signature in black ink, appearing to read "Robert Plotkin", is written over a horizontal line.

**Robert Plotkin**